IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 196 OF 2006
IN
CRIMINAL APPEAL NO. 1235 OF 2005

Kisanrao Ramchandra Mane ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. V.S. Kotwal i/b Mr. M.S. Mohite for the applicant.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for suspending the order of conviction and sentence passed by the Trial Court. The applicant was convicted for an offence punishable under section 7 and under section 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. The learned Counsel appearing on behalf of the applicant invited my attention to the findings of learned Sessions Judge. He submitted that the applicant has a very good case on merits. This

submission cannot be accepted in view of the judgment of the Supreme Court in the case of K.C. Sareen Vs. CBI, Chandigarh reported in **(2001) 6 SCC 584**. The Supreme Court, considering the legal position under the provisions of section 389(1) has observed that in respect of suspension of conviction for the offence under the Prevention of Corruption Act, the suspension of the conviction of the sentence would have to be viewed from different angle and merely because the appeal or revision filed by the accused is pending in the Court that should not be a ground for even temporarily absolving him from such offence. The ratio of the said judgment is, therefore, clearly applies to the facts of the present case. Therefore, there is no merit in the submissions made by the learned Counsel appearing on behalf of the applicant. The application is rejected. Hearing of the appeal is expedited. Liberty to apply after paper-book is ready.

4. Application is accordingly disposed of.

V.M. KANADE, J.